



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**


JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 3, 2023

NOTICE

TO: Stacy R. Hegge, Attorney for Dakota Bay Dean A. Fankhauser, Attorney for Dakota Bay
111 W. Capitol Ave., Suite #230 PO Box 1557
Pierre SD 57501 Sioux City IA 51102

Ann Mines Bailey, Assistant Attorney General John M. Hines, Attorney for McCook Lake
1302 East Highway 14, Suite 1 Recreation Area Association
Pierre SD 57501-8501 PO Box 27
Sioux City IA 51102

FROM: Ron Duvall, Engineer III 
SD DANR, Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Permit Application No. 8744-3, Dakota Bay

The Water Management Board directed counsel for the Water Rights Program to prepare proposed Findings of Fact, Conclusions of Law, and a Final Decision in the matter of the Board's approval of Water Permit Application No. 8744-3, Dakota Bay.

The Board requested the proposed Findings of Fact, Conclusions of Law and Final Decision be mailed to Board Counsel David McVey and all other parties by August 23, 2023. Written objections or comments in support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law, and Final Decision are to be mailed to Board and Water Rights Program counsel and other parties by September 11, 2023. Board counsel requests that the draft findings or alternative findings be provided in both a PDF format and a WORD format file via email to David.McVey@state.sd.us.

The Board will consider adoption of the Findings of Fact, Conclusions of Law, and Final Decision at 9:30 AM (Central Time), on Wednesday, October 4, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior issues on the agenda. Notice will be provided if there is a change in the hearing time.

At the Board's discretion, oral arguments in opposition or support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law and Final Decision may be made at the October 4, 2023 meeting. The evidentiary hearing was completed August 2, 2023. No additional testimony will be received at the meeting on October 4, 2023.

If you have questions about the findings process, please contact Ann Mines-Bailey at (605) 773-3215.

c: David McVey, Assistant Attorney General

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated August 3, 2023, regarding preparation of proposed findings of fact, conclusions of law and a final decision in the matter of Water Permit Application No. 8744-3, Dakota Bay, was served upon the following by enclosing the same in envelopes with first class postage prepaid, and depositing said envelopes in the United States mail on August 3, 2023.

Stacy R. Hegge, Attorney
Gunderson, Palmer, Nelson & Ashmore LLP
111 W. Capitol Ave., Suite #230
Pierre SD 57501

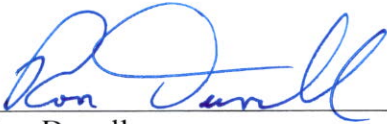
Dean A. Fankhauser, Attorney
Tigges, Bottaro & Lessmann, LLP
PO Box 1557
Sioux City IA 51102

John M. Hines, Attorney
Crary Huff Law Firm
PO Box 27
Sioux City IA 51102

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

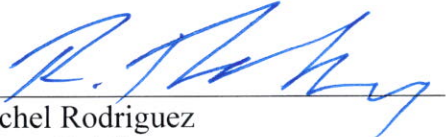
David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



Ron Duvall
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3 day of August 2023.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029

